GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:692
ANSWERED ON:22.11.2002
PATENT SYSTEM
S. SAIDUZZAMAN

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the laws on patents are unclear in the India`s Patent Act which make patent system very difficult and prone to litigation;

(b) if so, the reaction of the Government in this regard;

(c) whether the Drug MNC`s are scared of competition from the indigenous manufacturers, adding to the problem of manufacturers in the country and also leading to higher retail prices for the consumers;

(d) if so, the facts in this regard; and

(e) the steps being taken by the Government in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. RAMAN SINGH)

(a) and (b): No, Sir. The Indian patent law has been periodically updated/amended to respond to emerging issues. The patent law, as existing since 1911 was substantially revised in 1970 and has been further amended in 1999 and 2002. The Patents (Amendment) Act, 2002 not only complies with India`s international obligations but also simplifies/rationalizes several procedural and conceptual aspects.

(c) to (e): Since patent protection is integral to the marketing strategies of R&D-intensive companies, especially pharmaceutical companies, the standard/form/level of patent protection in Indian law has been an issue of continuing debate/discussion. However, Indian patent law, as recently amended, fully ensures that patented inventions, including pharmaceuticals, are available at reasonably affordable prices to the public. This issue has been addressed in the patent law through provisions relating to revocation of patent in public interest, compulsory licensing of patents, use of inventions for the purposes of Government, acquisition of invention and patent for public purposes, parallel import, etc. In sum, the Indian patent law has provisions to enable an appropriate, timely and efficient response to national and public interest requirements/concerns especially those relating to public health and nutrition.